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December 26, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

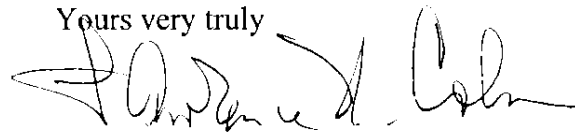
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Dear Ms. Dortch

On behalf of Tichenor License Corporation, there are herewith submitted an original and four (4) copies of its Reply Comments in MB Docket No. 02-212 (RM-10516), regarding the Amendment of Section 73.202(b), FM Table of Allotments, in Vinton, Louisiana, Crystal Beach, Winnie, and Lumberton, Texas.

Please direct any communications regarding the enclosure to the undersigned counsel.

Yours very truly



Lawrence N. Cohn

Enclosures

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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission

In the Matter of

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Vinton, LA, Crystal Beach, Winnie,)
and Lumberton, TX))

MB Docket No. 02-212
RM-10516

To: John Karousos, Assistant Chief
Audio Division
Media Bureau

Reply Comments of Tichenor License Corporation

Tichenor License Corporation ("TLC"), by its counsel, hereby submits its Reply Comments in response to the Commission's Public Notice of December 11, 2002 (Report No. 2587) ("FCC Public Notice") and which addresses the "Reply Comments of Charles Crawford" which were filed with the Commission in the above-referenced proceeding on October 15, 2002. In further support of the counterproposal which it submitted to the Commission on September 30, 2002, TLC states the following.

This is a very simple FM allotment rulemaking proceeding. Crawford petitioned the Commission to amend the FM Table of Allotments to add Channel 287A to Vinton, Louisiana (its first local service). TLC timely filed a counterproposal which would (i) change the community of license of TLC's Station KOBT (formerly KLAT-FM) from Winnie to Lumberton, Texas (its first local service), and (ii) change the community of license of TLC's Station KLTO from Crystal Beach to Winnie, Texas (replacing KOBT

as Winnie's local service), with a channel change from Channel 287A to 287C2. The allotment of Channel 287C2 to Winnie conflicts with the proposal to add Channel 287A to Vinton, and therefore TLC's proposal has (correctly) been designated by the Commission as a "counterproposal" to the proposal advanced by Crawford. See, FCC Public Notice. TLC demonstrated in its counterproposal that its proposed arrangement of allotments was considerably superior to Crawford's proposal under the Commission's standard FM allotment criteria as set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) (*i.e.*, TLC's proposal would bring first local service to Lumberton, population over 7,800, while Crawford's proposal would bring first local service to Vinton, population 3,338; further, TLC's proposal would bring service to hundreds of thousands more people than would Crawford's proposal). Crawford has not and can not dispute this conclusion.

Bereft of anything to say on the merits of its proposal versus TLC's proposal, Crawford takes the only tack available--he attacks TLC's motivation and the bona fides of TLC's uncontestable superior proposal. Crawford first asserts that TLC's two-step counterproposal is "for all practical purposes, two independent proposals" (*i.e.* the change in community of license of Station KOBT from Winnie to Lumberton and the change in community of license of Station KLTO from Crystal Beach to Winnie, with channel change to Channel 287C2). This assertion is obviously false. The change in community of license of Station KOBT from Winnie to Lumberton is absolutely dependent on the availability of a replacement channel for the only station licensed to Winnie. The proposed change of Station KLTO's community of license to Winnie provides the required replacement channel, and thus the Station KOBT proposal is linked to, and is

dependent upon, the proposed Station KLTO change. See, e.g., Dayton, Incline Village and Reno, Nevada, DA 01-2061 (rel Aug. 31, 2001) (changing community of license of Station KRNO-FM from Reno to Incline Village as a replacement channel).

Next, seizing upon the fact that Station KOBT needs no change in physical facilities in order to serve Lumberton, Crawford characterizes TLC's proposal to change the station's community of license from Winnie to Lumberton as an "arbitrary and artificial devise" (page 3), which TLC has used "to manipulate the FCC procedures" (page 4), to create a "contrived void" (page 4), for the "sole purpose...of gain[ing] the favor of the Commission." (page 5).

The short answer to Crawford's attack ~~is~~ that on numerous occasions the Commission has approved proposals to change a station's community of license (and awarding a "first local service" preference) where there is no change in the station's transmitter site or channel. See, e.g., Kankakee and Park Forest, Illinois, 16 FCC Rcd 6768 (2001), Ankeny and West Des Moines, Iowa, 15 FCC Rcd 4413 (2000), El Dorado and Camden, Arkansas, 14 FCC Rcd 9564 (1999) (TV), and Oraibi and Leupp, Arizona, 14 FCC Rcd 13547 (1999). Crawford fails to supply the slightest authority to the contrary. Hence, his charge that TLC's proposal to change Station KOBT's community of license to Lumberton has been proffered in a duplicitous manner flies in the face of established Commission precedent and should be rejected.

Indeed, Crawford's pleading appears to be from another day and another context. It ~~is~~ strikingly reminiscent of the "petitions to enlarge issues" pleadings which were the norm during the bygone era of the "comparative hearing process" used by the Commission during the 1960's, 1970's and 1980's to determine which one of mutually-

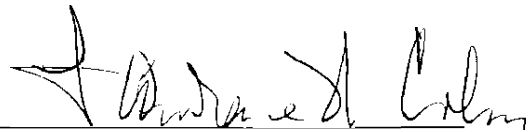
competing applicants was entitled to the award of an FM construction permit for a new station to operate on a vacant FM allocation. See, Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). In those proceedings, competing applicants routinely and repeatedly attacked their adversaries' with arguments about their "character qualifications," the bona fides of their internal organizational structures, the legitimacy and viability of their proposals to "integrate" those with ownership of the applicant into full-time management of the station, the extent to which the applicant had "reasonable assurance" of its proposed antenna site, whether the applicant had a reliable financial plan, etc., etc., etc. These allegations were routinely presented with flamboyant and (regrettably) inflammatory rhetoric. The purpose, of course, was to cast aspersions on (and occasionally even to vilify) the petitioner's adversary and its motives, in the hope of persuading the Commission that the adversary had engaged in some kind of nefarious or duplicitous conduct, or that some aspect of its proposal was a subterfuge, and not worthy of belief.

But this is not an FM comparative hearing proceeding before the Commission in the 1970's---it is an FM allotment rulemaking proceeding before the Commission in 2002/2003. The sole object of this proceeding is to determine which of the conflicting proposals to amend the FM Table of Allotments would provide better service to the public. Since the issue is the relative merits of the competing allotment proposals, per se, Crawford's attack on TLC's motivation (in addition to being wrong) is completely out of place.

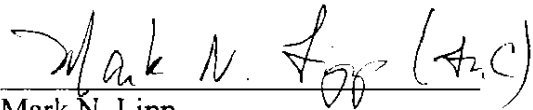
In sum, Crawford's effort to turn this proceeding into a quasi-comparative hearing proceeding is improper, and its attacks on TLC's motivation for filing his counterproposal are as relevant as Crawford's earth-shaking announcement (page 6) that the name "Winnie" does not appear on the Winnie, Texas water tower! Both are completely and absurdly irrelevant. There is no dispute that TLC's counterproposal is procedurally proper, technically compliant, and far superior to Crawford's proposal under the public interest standards uniformly used by the Commission in resolving FM rule making allotment proceedings. Accordingly, Crawford's proposal should be rejected and TLC's superior counterproposal should be adopted.

Respectfully submitted

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Date: December 26, 2002

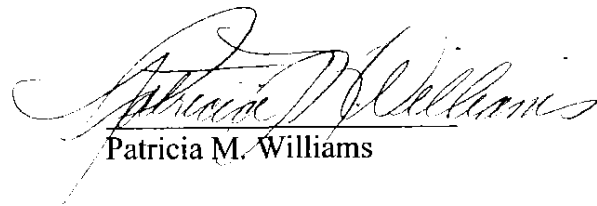
Certificate of Service

I, Patricia M. Williams, hereby certify that on this 26th day of December, 2002, I caused copies of the foregoing "Reply Comments of Tichenor License Corporation" to be placed in the U.S. postal service, first class postage prepaid, addressed to the following individuals:

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Patricia M. Williams

*/ Hand delivery